him that they touched elbows and shoulders on three sides of him in a compact little breastwork. Jerome leaned against a table watching the face of

Mrs. Thaw was asked to recall conversations which she had with her gon prior to his departure for Europe in the spring of 1904. Jerome ob-sected to the question. The California attorney argued at length in reply, contending that these conversations were vitally important in proving the strange condition of the defendant's mind even at that early time.

IEROME SHOWS IMPATIENCE.

Jerome retorted with rising inflection; "If it is presumed that this defendant was insane at the time of these conversations and continued insane right down the line until June 25, then at must be presumed that he is stillinsane, that he is insane to-day. Then, in that case, it is time to stop this tion of hereditary insanity in his blood.

This argument of the District-Attorney was in the nature of a sensation. showing as it did that the prosecutor is prepared to break through every of-fered opening to prove Thaw a madman and send him to the Matteawan Asylum for the Criminal Insane.

This is not the matter at issue," said Delmas. "The District-Attorney takes the wrong view of the proposition. It being established by the evi-dence that the defendant was insane in June, 1906, we hold it pertinent to "That is not true at all. I have been told not to answer," said Mrs. show that this insanity was due to revelations made to him girl and that the insanity dated back to November, 1903. Under those cirmust answer all questions unless he first objected. Then, addressing the court, Mr. Delmas said that the subject matter of the question of the father's any period between the date of the young woman's story and the date of the will did not fall within the period covered by the direct examination. tragedy. No presumption of the sanity or insanity at the present moment can have a part in this trial as it is now constituted."

As he finished, Mrs. Thaw opened her lips as if to speak on her own initiative, but Delmas silenced her with a gesture in order that Jerome might continue the prosecution's side of the argument.

THE DISTRICT-ATTORNEY'S ARGUMENT. The District-Attorney held that the conversation which Mrs. Thaw had

en asked to relate dealt with a period when, according to the testimony of Thaw's own experts, he might have been having a lucid interval.

"Mr. Delmas takes the attitude that his client is lucid at this moment. Why, then, in the absence of any direct evidence to the contrary, shall we presume that the defendant was not in a lucid condition at the time of his

conversation with his mother in the spring of 1904? There is no proof in ce that he was insane at that particular period."

rome was basing his fight on the admission he got this week from Evans and Wagner. Justice Fitzgerald replied to the prosecutor that it was not the function

of the Court to stop a trial and appoint a commission.

"IT IS NOT THE DUTY OF THIS COURT," SAID THE JUSTICE,

"TO APPOINT A COMMISSION ON WHAT IS MERELY A GENERAL
PRINCIPLE OF EVIDENCE. THERE IS AT PRESENT NO MOTION LOOKING TO THE APPOINTMENT OF A COMMISSION IN LUNACY BEFORE ME. THEREFORE THIS ARGUMENT SHOULD NOT PER-MATTER OF THE EVIDENCE WHICH THE DEFENSE DESIRES

Then the Court asked the District-Attorney if he was ready to go ad and object to the question that had been put to Mrs. Thaw. Jerome said he renewed his objection on the ground that it had not been estabished that the defendant was insane in June, 1904, at the time of the versation the witness was asked to tell about. Mr. Delmas replied In at some length, and in the argument that followed a considerable pie hairs were split.

Mrs. Thaw sat erect with her back held rigidly away from the chair in which she sat, with her eyes half closed as if to shut out the picture of

Her mouth drooped at the corners and her hands lay listlessly in ap. She had taken off her glasses and one could see the thick network of he little wrinkles about her tired eyes. As Jerome warmed to his argumentative task sue flung her head back, challenging him with her gaze.

Justice Fitzgerald suddenly produced from under his desk a volume of

York Reports and quoted from a decision which held that where innity was established as existing once, it was presumed to continue to exist. His Honor, with obvious purpose, emphasized the distinction between the establishment of the fact of insanity and the presumption of it.

"I therefore overrule the District-Attorney's objections," he said. "Pro-

GREAT VICTORY FOR THE DEFENSE,

It was a victory for the defense, not alone upon the point of the evidence. because it pretty effectually barred Jerome from any hope of asking for acy commission on a mere presumption of present insanity. At last Delmas's question was to get in: "Can you tell us when it was

your son first revealed to you this young girl's name?" "Not positively. I believe it was some time between Thanksgiving and when Harry went back to Europe, in the spring of 1904." The old woman raised her gloved hand, ticking off her words with the

foreinger of the right upon the palm of the left.
"What was it he told you?" "It was about the same thing all the time. He explained and I sym-

"Now, what was it he told you about this young girl?"
"He told me about how she had posed for various artists, finally going

to New York, where she went on the stage. There she had met this wicked man he spoke of."
"Is that practically all you can remember of these conversations?" Purely from the standpoint of the attitude in which the Thaw family

and held Evelyn Nesbit Thaw, this was important. It showed that long before the date of the marriage of the pair, the mother at least knew the

"When he came back at this time," said Mrs. Thaw, "there was a horrible scandal about the ruin of this girl. It was terrible!

"I remember" continued the witness, "expressing my disapproval of his coming back on the same steamer with the girl, and I also spoke of certain of the reframed hypothetical question which he will submit to the two expressions that had been sent from the other side. He said there was nothing perts of the defense who are yet to be called. Thaw's head counsel replied ng in his actions and that these rumors were untrue."

"Did he express his desire to marry her as early as the fall of 1903?"

"Yes, I think he did. I did not approve." "I believe you went South in February, 1905?"

"I think it was 1904." "Do you not mean 1905?"

Perhaps I do-yes. I am sure I do. But do not ask me about dates. Thanksgiving Day." Then she added, as if by an afterthought and with a simple little gesture, "Oh. yes, and of course I remember my wedding day." "Did you see your son Harry upon your return from the South?"

"Did he speak to you then of the young woman for whom he cared?"

"He told me that he wanted to marry her," said the old lady faintly, and that he could never get along without her. This was in March, 1905,

AGREED THAT HE SHOULD MARRY.

Seeing how he felt, I told him that it was probably the least of two evils, and that he had better marry her. I told him the question was one for him to decide. Then he asked me if I would go on to New York and see her. I said I would. I told him he did not need my approbation; that the matter was one for him to decide, and"——

Tobject to the form of the statement," said Jerome. "The answer is not the proper one."
"The lady is laboring under some delusion," began Delmas.

"Not now," said Mrs. Thaw, with a grave little smile. "I think I can 'So you finally gave your consent to have the marriage take place in

your home?" said Delmas.

"Did you make a condition?" YES. I WANTED IT UNDERSTOOD THAT HER MOTHER WAS NEVER TO COME TO SEE ME AND NEVER ENTER OUR HOME IN PITTSBURG. I ALSO MADE IT A CONDITION THAT HER PAST SHOULD BE CONSIDERED AS A CLOSED BOOK; THAT IT SHOULD NEVER BE OPENED AND DISCUSSED. I SAID THAT I, FOR ONE. THAT IS ALL THAT I DESIRED, ALL THAT I ASKED OF HIM. I DID ARRANGE THAT CHAPERONS SHOULD BE SENT TO ACCOM-PANY THE YOUNG LADY TO MY HOME, AND I ALSO CAME TO

NEW YORK TO MEET HER." "Pescribe, please, now his speech, his manner and his conduct at this "He seemed to fear that the girl's mother would withhold her consent

to the marriage and under the laws of our State a parent's consent is needed before a minor can marry. He was greatly excited over this matter. He said he feared at the very last the mother might refuse her consent. He curious spectators at the Norton divergence of the co-respondent, gave similar testimates the curious spectators at the Norton divergence of the co-respondent, gave similar testimates the curious spectators at the Norton divergence of the co-respondent, gave similar testimates the curious spectators at the Norton divergence of the co-respondent to the cofinally got her approval about noon of his wedding day. All that afternoon trial to-day in the expectation of hear-I saw him writing at his desk and I knew that he was drawing up his will ing some of the love letters introduced

home in the mountains of Pennsylvania." epent with you-the summer of 1906?"

seemed devoted to each other.

to the witness room seemingly glad of the respite. As soon as the recess was over Mrs. Thaw came back to the stand, with Mrs. Norton mentioned in some of the stand her brother.

pick in his teeth. His lawyers and his experts were packed so closely about his hand under her elbow and aided her to mount the steps of the witness-

Then, very much to the surprise of the crowd, Mr. Delmas announced that the direct examination was ended. All along, it had been expected that Thaw would testify to pre-natal influences which she believed had affected Harry Thaw's mind. But Delmas had not caused her to tell of the shock to her nerves when, a few months before Harry Thaw's birth, she found one of her children dead in bed at her side. Neither had he asked her about the taint of insanity in her family. It was evident that the at torneys for the defense had been made fearful by Jerome's cross-examination of their experts and wished now to get entirely away from the sugges-

learned to play the piano in his youth?'

'Yes, when he was a very young boy." 'Were you an executor of your husband's will?"

Delmas objected. Mr. Jerome said that he wanted to show that at a certain date Mrs. Thaw had increased the income of her son. He wanted to get Thaw when asked if she had done this. Mr. Delmas counselled her that she

RULED AGAINST JEROME. Justice Fitzgerald said he would rule out the question, unless the District-Attorney showed that the matter had a direct bearing upon Thaw's period of alleged insanity. He said that for the time being, he would limit Pennsylvania. the cross-examination to events occurring after the summer of 1903, which was the time from which Mrs. Thaw's examination-in-chief had dated. This was a rather important victory for Thaw's side.

"After the death of the defendant's father, the defendant was in receipt of a certain income from the estate of his father, was the not?" asked Mr.

Delmas objected and was sustained. "Subsequent to June, 1903," pursued the District-Attorney, "what was the income of the defendant?" "He got an income from his own estate from the age of ten," replied Mrs. Thaw.

Mr. Jerome started to frame another question. The little 'Frieco berriete counced up and warned the witness not to answer. Turning and putting his face within a foot of Delma's face, Jerome chanted in an ironical cadence: "The learned counsel of the people will esteem it as a deep and lasting favor if the learned counsel of the defense will withhold his interruptions until the learned counsel for the people has finished saying what he is trying to say. LAUGH DIVERTS THE COURT.

There was a laugh all over theroom. Delmas's shoulders shook, and even Mrs. Thaw smiled at the by play. Delmas arose and made a deep bow to Jerome. "Being admonished in so courtly a style, I will strive to obey,"

tory of young Thaw's income, "did the defendant first tell you of his mere-tricious relations with the young woman who later became his wife?"

When he returned from Europe in 1903 did he tell you that he felt a lesire to make her his wife?'

"Did he tell you he feared that through the efforts of others she would efuse to become his wife?"

"I can hardly answer that. I only know that the name of the man whom Harry said has wronged the young woman was never mentioned by him in my presence."
"What did he tell you of her?"

"He said he desired to marry her and life her out of the conditions into which she had fallen."

THAW'S THEORY OF HER FALL.

"Then, as I gather it, his attitude was that he loved the girl who had suffered a wrong through no fault of her own and that he honorably desired to raise her out of her unhappy position?" Yes, I so understood him."

"So that, as I take it, you respected his position and did not undertake to inquire further into the secret of his love affair?" "Yes, that was my position." The District-Attorney announced that his cross-examination was at an

Delmas got up and said to the witness: "That is all. "Isn't there anything else?" inquired the mother, turning toward Delmas with an air of expectancy. "No, madam," he answered her, bowing low.

WANTED TO TELL MORE.

"I want to ask for an opportunity to say something in regard to heredity," she faltered, still facing Delmas and half rising in her chair. no, madam," repeated her son's lawyer, soothingly, "We desire that nothing further be asked of you at this time." "But I wanted to tell these gentlemen-I wanted to correct some false

mpressions," she went on, still keeping hr place. "Please," madam," said Delmas, "please refrain. There is

that you should say in this court to this jury."

Half unwillingly and amiling in a puzzled way, Mrs. Thaw arose and made her way to the witness-room door. Harry Thaw looked toward her smillingly, as if in unspoken congratulations of the fortitude with which she had come through the ordeal. Josiah Thaw and Edward Thaw arose fram their seats behind the prisoner, joined their mother as she emerged hito the open from behind the jury-box and passed out the side door with her. ret of her future daugher-in-law's painful story.

Mrs. Thaw was then asked to relate conversations she had with her their seats behind the prisoner, joined their mother as she emerged \$110. the open from behind the Jury-box and passed out the side door with her. The second great scene of the trial was over, with much that had been expected to develop still untold.

that, he had not prepared any; that the new hypothetical question would cover the emire case up to its present stage. Then an adjournment was taken until Friday, because Justice Fitzgerald must attend the funeral of a

LITTLE HEADWAY BY JEROME.

It took a long and weary grind for Jerome to learn from Dr. Charles I car never remember dates. I can only recall days like Christmas and P. Wagner, expert for the defense of Harry Thaw, that the prisoner could be insane and yet do sane things. That was about all Jerome succeeded in dragging from the alienist, though he pounded and prodded and probed the witness as he had done with Dr. Evans and with so little result. "Bat" Nelson, with a Brussels sprout ear, sharply inclined forward;

sat in a front seat of Justice Fitzgerald's court-room to-day when the trial of Harry Thaw was resumed with Dr. Charles G. Wagner, the defense's alienist, on the stand for the last of his cross-examination. Next to him sat the astute Billy Nolan, his manager, shining dimly through the nimbus of Bat's threeou-nce damond pin. It was the first time any of our really prominent actors had seen fit to grace the hearing of the great

Congressman John Dalzell, of Pittsburg, was also a visitor. Mr. Dalzell is on his way to Panama and dropped in at the Criminal Courts Building to pass away the time,

Thaw once more came to court laden down with letters, which con-tinue to pour into the Tombs from all quarters of the globe. Practically all of the letters are in praise of the defendant, and he manifestly takes great satisfaction in reading them.

But Judge in Norton Divorce | legislator and denied | Improprieties | with Mrs. Norton which | Norton's de-Case Keeps Them to Himself-Talk of a "Job."

(Special to The Evening World,)
NEW HAVEN, Conn., March 6.id he feared at the very last the mother might refuse her consent. He ally got her approval about noon of his wedding day. All that afternoon saw him writing at his desk and I knew that he was drawing up his will day colicil to it."

"Where did they go after the wedding?"

"On a bridal tour to California. Then they came back to my summer they men in the mountains of Pennsylvania."

"Describe their life at this period—I mean during the summer they came devoted to each other."

"Their life was contented, placid and happy. My son and his wife smed devoted to each other."

"Here the testimony rested for a ten-minute recess. Mrs. Thaw returned the witness room seemingly glad of the respite.

As soon as the recess was over Mrs. Thaw came back to the stand, with

Jenkins's mother followed him on the stand and testified that he was home in Unionville April 7, when it was alleged by other witnesses he accompanied Mrs. Norton to a Hartford theatre. Representative J. R. Jenkins, father

letters, inasmuch as the plaintiff counsel had been so particular about

preventing the names of prominent

Yale men seen with Mrs. Norton from

George H. Jenkins, one of the co-

espondents named in the case, con-

tinued his testimony to-day. He is

the son of a prominent Connecticut

appearing in evidence.

tectives have testified to.

# OF THAW'S MOTHER

Jerome took up the cross-examination in this fashion: "Your son had Aged Parent of Defendant Tells How ned to play the plane in his youth?" She First Discovered Changed Condition of Her Son.

Harry Went to Church.

STENOGRAPHIC REPORT OF TESTIMONY IN COURT.

Mr. Delmas examined her as follows:

Q. Where were you living in the fall and winter of the year 1902. A. In Pennsylvania.

Add over known. That she had been neglected or this would not have happened—that if she had any mother, or any one to look after her, there was about the should be, and so on and so forth. I cannot recall the entire conversation.

Q. What part of Pennsylvania? A. In Pittsburgh, the only Pittsburgh that is spelled with an "h" final.

O At what time in the month of No-

Q. At what time in the month of No-vember, 1903, did your son, Harry K. giving hay-did I ten you that? Thaw, come to your home? A. I think it was in the second week in November. The only way I can fix the date is that my youngest son was to be married on large and beautimi new church, introducing himself as Col. Fox.

he had lost interest in everything.

Q. it struck you at the time? A It struck me at the time, but I did not sak him any questions. I did not want to pry into it.

Q. Then, madam, shoscribe what followed that first impression? A. Well, at the breakfast table one morning I at the breakfast table one morning

on, while her son was in her nome, the reference to this young sirl and her misfortune became more and more frequent, or less and less frequent.

The Witness-I do not think there was much difference. If anything, more.

York had done which had rained his life and he would never be kappy.

Q. Something that a wicked man had done in New York? A. A wicked man in New York probably the worst man in New York, had done. He had ruined his life and he would never be happy.

Q. And you got no further information upon that subject at that time?

A. No.

Q. Did you subsequently learn more from his statements in that connection?

A. I did. The reason I can fix that time within a week is because it was prior to Thanksgiving of that year I understood yery much. I did not know the young girl's name. I did not know the young girl's name. I did not know the young girl. I knew that before asking him.

Learned Something More.

Q. Now, did you subsequently learn more from his statement in that connection?

A. I did. The reason I can fix that time within a week is because it was prior to Thanksgiving of that year I understood yery much. I did not know the young girl's name. I did not sak. I did not want to know about it. I knew it was something in connection with a young girl. I knew that before asking him.

Learned Something More.

Q. Now, did you subsequently learn more from his statement in that connection? A. I did.

Q. Did you make any inquiry of your son, Madam, before that time as to what this wicked thing was thing the first was that the told wou upon that the was that the told wou upon that w

Q. Now, did you subsequently learn more front his statement in that connection? A. I did.

Q. Did you make any inquiry of your son, Madam, before that time as to what this wicked titing was this wicked man had done, and get any information on that subject? A. I presume I did, but I did not get anything until I knew it was in conection with the fact that he had ruined a young girl, that he, Harry was interested in.

Q. Did you learn that from him? A. From him one sight.

Q. One night? A. Another night.

Q. Please state to the jury what the cenversation was that you had with him upon that subject in which you learned that this man had ruined a young girl? A. Just about that. And I did not want to inquire any further. I said 'That sort of thing is "appening always in a city like New York—why should your life be ruined for that reason?' And he protested that it was.

Q. That it was ruined? A. That it was. I tried to influence him the other way, to think that it was not altogether his business to look after the young girl 2nd see that she was not dragged down. He described from his point of view her character and her appearance. He told me that the thought she had the most beautiful mind of any person he

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The only way I can fix the date is that my youngest son was to be married on the lish of November, and he came there a few days previous to that.

Q. During the time that your son, at your home did you notice anything popular in his conduct, denoting a change from what you had seen in him previously? A. I certainly did.

Had Despairing Look.

Q. Will you kindly describe it to the kury is your way way, that is, in what it his condition consisted, and in what it is manner them was totally different; he had a kind of despairing look. as if he had lost interest in everything.

A. (continuing) I heard a sob, and a shower of tears fall on the programme for the was full.

A. (continuing) I heard a sob, and a shower of tears fall on the programme for the was full when the interest in everything.

A. (continuing) I heard a sob, and a shower of tears fall on the programme for the was full when the interest in everything.

Bright Thanksgiving in our very large and teaching in new very large and it was excurded, and largy and the rest of the family were in New York for England, and were not expected in the seven years, with an office at No. III.

West Sixty-fourth street, called on Magistrate, win, agreed with him that it was extremely libelious. At the refuse entrance, and at the close of the services, when the close of the services, when the close of the services, when the close of the services of the services of the submitted it to the Magistrate, win, agreed with him that it has condition consisted and in what it has condition consisted.

A. (continuing) I heard a sob, and a shower of tears fall on the programme of the was holding. I pain implied to the programme of the was holding. I pain the was holding. I pain the services of attempting to kill Edward Shoulded the was the limit when do not have been win us the services of attempting to the pamphier, path for prin

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"I have a cousin in Rockingham Co. who once had a skin disease from her birth until she was six years of age. Her father had spent a fortune on her to get her cured and none of the treat-ments did her any good. Old Dr. G suggested that he try the Cuticura Remedies which he did. When he commenced to use it the child was almost in a solid scab. He had used it about two months and the child was well. I was there when they commenced to use your Cuticura Remedies. I stayed that week and then returned home and stayed two weeks and then went back and staved I went home I could hardly believe she was the same child. Her skin was as soft as a baby's without a scar on it. I have not seen her in seventeen years but I have heard from her and the last time I heard from her she was well. That is where I became acquainted with Cuti-cura. I hope this may be of some ser-vice to you in the future. Mrs. W. P. Ingle, Burlington, N. C., June 16, 1905.

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BROOKLYN ADVERTISEMENT.



CASEY.—On Monday, March 4, 1907, ALICE, beloved wife of Thomas F. Casey and daughter of the late Patrick and Mary Monahan.

Funeral from her late residence, 260
West 26th st., Thursday, March 7, 9.32 A. M.; thence to St. Michael's Church. West 32d st., where a requiem mass will be offered for her eternal repose, inferment Calvary.

IAHONEY.-On March 6, GEORGE L., beloved son of Terence J. Mahoney and Kathe-erine Craven, aged four years. Funeral from his late residence, 22 ory st., Jersey City, on Thursday, March 7, at convenience of family. PCOLGAN ... On Monday, March 4, at her

rationne, 36 Very st., JANE, beloved wife of Charles McColgan. Funeral Thursday, 5.50 A. M. theses on St. Peter's Church, Escalay st.